



Alabama Department of Environmental Management
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January 25, 2016

Certified Mail #91 7108 2133 3936 7225 8200

Mr. Barry Alan Cherry
Hokes Bluff Welding & Fab
2875 Alford Bend
Hokes Bluff, Etowah County, AL 35903

Dear Mr. Cherry:

Subject: **Notice of Violation**
Hokes Bluff Welding & Fab
EPA Identification Number ALR000058081

On January 6, 2016, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance inspection of Hokes Bluff Welding & Fab (Hokes Bluff) to determine the facility's compliance with all applicable requirements of Division 14 of the ADEM Administrative Code.

As a result of the inspection, the Department has determined that the following violations were in existence or observed at the time of the inspection; please refer to the specific rules summarized below for additional information regarding each requirement:

1. Pursuant to ADEM Admin. Code r. 335-14-.03(5)(d)(7), the generator maintains sufficient documentation to demonstrate the quantity of hazardous waste generated each calendar month. This documentation must be retained on-site for at least three years from the date the waste was generated.

Hokes Bluff did not maintain any documentation of the amount of hazardous waste generated each month.

2. Pursuant to ADEM Admin. Code r. 335-14-.03(5)(a)4, referencing ADEM Admin Code r. 335-14-6-.02(7)(e), training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.



Hokes Bluff did not have training records for employees assigned jobs in hazardous waste management.

3. Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(d)6.(i), at all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the site within a short period of time) with the responsibility for coordinating all emergency response measures specified in 335-14-3-.03(5)d(6.(iv). This employee is the emergency coordinator.

Hokes Bluff had not designated anyone as its emergency coordinator.

4. Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(d)6.(ii), the generator must post the following information next to the telephone: the name and telephone number of the emergency coordinator; location of fire extinguishers and spill control material, and, if present, fire alarm; and the telephone number of the fire department, unless the generator has a direct alarm.

Hokes Bluff did not have any of the above listed information posted next to the telephone.

5. Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)1.(i) referencing ADEM Admin. Code r. 335-14-6-.09(5), the generator must inspect areas where containers are stored, at least weekly. These inspections must be documented in accordance with rule 335-14-6-.02(6)(d). ADEM Admin. Code r. 335-14-6-.02(6)(d) requires the generator to record inspections in an inspection log or summary.

Hokes Bluff did not have any documentation of weekly inspections of its hazardous waste storage area.

6. Pursuant to ADEM Admin. Code r. 335-14-3.03(5)(d)5. referencing ADEM Admin. Code r. 335-14-3-.03(5)(a)2., the date upon which each period of accumulation begins to be clearly marked and visible for inspection on each container.

Hokes Bluff staged its hazardous waste containers inside a metal shipping container, making the accumulation start dates illegible.

7. Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(g), a generator who generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste for more than 180 days is an operator of a storage facility and is subject to the requirements of 335-14-5 and the permit requirements of 335-14-8. ADEM Admin. Code r. 335-14-8-.01(1)(c) requires a permit for the "storage" of any "hazardous waste" as identified or listed in Chapter 335-14-2 of the ADEM Administrative Code.

Hokes Bluff operated as a storage facility when it stored seven 55-gallon drums of hazardous waste in the container storage area for longer than the allowed 180 days but had not complied with all of the requirements applicable to owners and operators of hazardous waste storage facilities and had not obtained a hazardous waste storage permit from the Department. In an email received by the Department on January 8, 2016, Hokes Bluff disclosed that the accumulation start dates on the containers were 11-01-14, 12-04-14, 1-29-15, 3-13-15, 4-09-15, 4-20-15, and 6-10-15.

8. Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

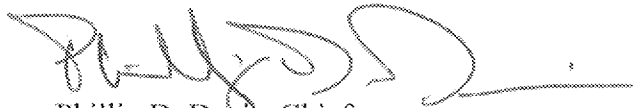
Hokes Bluff did not label or mark five 55-gallon drums holding used oil with the words "Used Oil".

Within thirty days of receipt of this notice, Hokes Bluff should submit to the Department documentation indicating that the above violations have been corrected. The intent of this Notice of Violation is to identify violations of the Department's environmental regulatory program. These violations should be corrected within the timeframe set above.

Since the aforementioned violations appear to be significant, the Department is considering the option to take further action including the imposition of monetary penalties for the noted violations.

Should you have any questions regarding this matter, please contact Bailee Dykes of my staff by telephone at (334) 279-3061 or by e-mail at bailee.dykes@adem.state.al.us.

Sincerely,



Phillip D. Davis, Chief
Land Division

PDD/BD/nbf

cc/via e-mail: Larry Lamberth, EPA Region 4
Paula Whiting, EPA Region 4